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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,806	07/20/2005	Richard Bopp	8009-84350	6506

42798. 7590 06/26/2007
FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 18415
WASHINGTON, DC 20036

EXAMINER

TRAN, NGUYEN

ART UNIT	PAPER NUMBER
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2838

MAIL DATE	DELIVERY MODE
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06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/537,806	Applicant(s) BOPP ET AL.	
	Examiner Nguyen Tran	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/26/05</u> 67105 | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Objections***

Claim 1 recites the limitation "the present functional procedure" in line 12; the limitation "means of two low-pass filters" in line 35; the limitation "the bit" in line 11 page 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the dynamic internal resistance (R_{di}) is determined by mean of a buffer algorithm" in line 21. It is unclear because in claim 1 recites that a dynamic internal resistance (R_{di}) by detection and checking of battery data while claim 2 recites it is determined by means of a buffer algorithm.

Claim 4, it appears a sampling is implied but it is not clear, since the equation of $U_{\text{filt}}(t_n)$ and the current $I_{\text{filt}}(t_n)$ are calculated by the function of time while in the claim recites (U_{filt} and I_{filt}). So the $U_{\text{filt}}(t_n)$ and the current $I_{\text{filt}}(t_n)$ are not clear. Also it recites the limitation "a filter constant" in line 5 page 17, it is unclear to what filter constant is the limitation is referring to.

Claim 5, it is not clear how claim 1 is further limited, is it show that S3 and S4 would appear to be eliminated? Also where does the jump end? And the claim recites "a first function call directly after a start", it is not clear to what first function and start is referring to.

Claim 8 recites the limitation "the stated conditions" in line 34; "the parameters U_{pol_0} , k_{i_lad} , i_{k_lad} , k_{i_ela} and i_{k_ela} are predetermined parameter which have been determined empirically" in lines 9-13. There is insufficient antecedent basis for this limitation in the claim.

Recites " $I_{\text{filt}} ? 0$ " in line 4, it is not clear.

Claim 9, it appears a sampling is implied but it is not clear, since the equation of $U_{pol_fast_filt}(tn)$ and $U_{pol_slow_filt}(tn)$ are calculated by the function of time while in the claim recites $U_{pol_fast_raw}$ and $U_{pol_slow_raw}$. The equation is not clear.

Claim 10 recites the limitation “the correction factor K1” in lines 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 4-10 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Conclusion

This application is in condition for allowance except for the following formal matters: See above claim objection.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm’r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

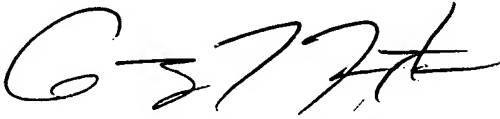
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Tran whose telephone number is 571-270-1269. The examiner can normally be reached on M-F 7:30-5:00, OFF every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Karl Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT


GARY L. LAXTON
PRIMARY EXAMINER
6/22/2007